REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-8 remain pending. Claims 1, 4, 6, and 8 have been amended to more clearly set forth the claimed invention. Claims 9 and 10 have been added to secure the appropriate scope of protection to which Applicant is deemed entitled.

The rejection of claims 1-8 under 35 U.S.C. 101 as not reciting a useful, concrete, and tangible result is hereby traversed.

The Examiner argues that the present claimed invention fails to produce a useful, concrete, and tangible result. The Examiner is incorrect.

As claimed in claim 1, a marketing campaign directed to the cluster corresponding to a potential consumer's character profile is presented to the potential consumer. The claimed invention produces a useful, i.e. directed marketing campaigns are more successful than non-directed campaigns and the present approach uses three particular emotional orientations which the inventor has discovered to be successful, concrete, i.e. the marketing campaign is not an abstract idea, and tangible result, i.e. the appropriate campaign is presented to the corresponding potential consumer based on the character profile.

Further, the claimed invention falls into either one or both of the specific safe harbors outlined for computer-related inventions at MPEP §2106 (IV.) B. 2. (b) i) Safe Harbors - Independent Physical Acts (Post-Computer Process Activity) and MPEP §2106 (IV.) B. 2. (b) ii) Safe Harbors - Manipulation of Data Representing Physical Objects or Activities (Pre-Computer

Process Activity). With respect to the Independent Physical Acts safe harbor, after the information about a potential consumer is gathered, stored in a database, analyzed, and sorted into at least three clusters, an appropriate marketing campaign is presented to the potential consumer based on the previous computer process activity.

With respect to the Manipulation of Data Representing Physical Objects or Activities safe harbor, before the appropriate marketing campaign is presented to the consumer, information about the potential consumer is gathered, stored in the database, analyzed and sorted into at least three clusters. Thus, data representing the potential consumer is manipulated, specifically, the individual emotional orientation of the potential consumer, into at least three clusters before the appropriate marketing campaign is determined and presented to the potential consumer.

For each of the above reasons, the Examiner has failed to meet his burden and the rejection of claim 1 should be withdrawn. Claims 2-7 depend from claim 1, include further important limitations, and are patentable for at least the reasons advanced above with respect to claim 1 from which they depend. The rejection of claims 2-7 should be withdrawn. Claim 8 is patentable for at least reasons similar to those advanced above with respect to claim 1 and the rejection of claim 8 should be withdrawn.

The rejection of claims 1-8 under 35 U.S.C. 112, first paragraph, as containing non-enabling subject matter is hereby traversed.

It is believed that a person of ordinary skill in the art would be able to make and/or use the invention based on the description in the present specification. The Examiner is requested to specifically identify what information is missing and why one skilled in the art could not supply the information without undue experimentation.

Further, the Examiner's statements are not understood by Applicant as claims 2 and 4 alone state embodiments of "how the information is collected" and claim 6 states "how the advertisements are produced." Still more specifically, page 4, lines 11-17 describe "how the information is collected", pages 10-12 describe "how the profiles are analyzed and sorted", page 13, line 1-17 describe "how the advertisements are produced," and page 13, line 18 - page 14, line 10 describe "how the advertisements are presented." Because the Examiner has failed to make out a prima facie case of lack of enablement, the rejection of claims 1-8 should be withdrawn.

The rejection of claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite is hereby traversed. As described above in response to the 35 U.S.C. 112, first paragraph rejection, the specification provides antecedent basis for how the information is collect, how the profiles are analyzed and sorted, how the advertisements are produced, or how the advertisements are presented. The claims as a whole apprise one of ordinary skill in the art of their scope and serve the notice function required by 35 U.S.C. 112, second paragraph. Because the Examiner has failed to meet his burden, the rejection should be withdrawn.

The rejection of claims 1-8 under 35 U.S.C. 102(b) as being anticipated by Day et al. (U.S. Patent 5,857,175) or Weinblatt (U.S. Patent 5,515,270) and under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (U.S. Patent 6,327,574) or Eldering (U.S. Patent 6,298,348) and under 35 U.S.C. 102(g) as being anticipated by Lanzillo, Jr. et al. (U.S. 2002/0032602) or McKinley et al. (U.S. 2002/0044743) is hereby traversed.

A rejection based on 35 U.S.C. 102 requires every element of the claim to be included in the reference, either directly or inherently. The Examiner has failed to identify all elements of claim 1 as anticipated by the applied references. None of the applied references describes the use of the individual emotional orientations required by claim 1, specifically survival, growth,

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relaxation, and a combination thereof. For at least this reason, claim 1 is patentable over the applied references and the rejection should be withdrawn. Claims 2-7 depend from claim 1, include further important limitations and are patentable over the applied references for at least the reason advanced above with respect to claim 1 from which they depend. The rejection of claims 2-7 should be withdrawn. Claim 8 is patentable over the applied references for a reason similar to the reason advanced above with respect to claim 1 and the rejection should be withdrawn.

Applicants appreciate that the Examiner has provided numerous references; however, the Examiner is requested to identify the particular parts of each applied reference relied upon in determining want of novelty. Applicants respectfully request the Examiner to identify where in each reference the individual emotional orientations are described.

The rejection of claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Weinblatt is hereby traversed. The Examiner argues that the differences between the present invention as claimed in claim 1 and Weinblatt are only found in nonfunctional descriptive material. The Examiner is incorrect.

Nonfunctional descriptive material includes music, literature, art, photographs and mere arrangements or compilations of facts or data, merely stored so as to be read or outputted by a computer without creating any functional interrelationship. (MPEP §2106 IV.B.1.(b)) As claimed in claim 1, there is a requirement for collecting information obtained from potential consumers based on an individual emotional orientation. There is a structural and functional interrelationship between the individual emotional orientation and other claimed aspects of the invention permitting the individual emotional orientation's functionality to be realized. That is, the way the method is performed has a functional interrelationship with the emotional orientation. As claimed in claim 1, the information collected from potential consumers is based
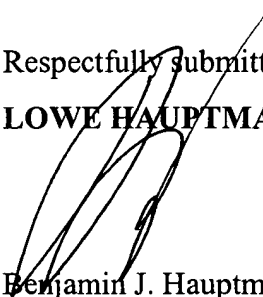
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on individual emotional orientation, the character profiles are analyzed and sorted into clusters corresponding to individual emotional orientations, the marketing campaigns are produced directed to a specific cluster corresponding to individual emotional orientations, and the individual emotional orientation drives the matching of the campaign to the potential consumer. The emotional orientations are not the same as music, literature, art, photographs and mere arrangements or compilations of facts or data. For at least this reason, the rejection of claim 1 should be withdrawn. Claims 2-7 depend from claim 1, include further important limitations, and are patentably distinguishable over the applied reference for at least the reason advanced with respect to claim 1. The rejection of claims 2-7 should be withdrawn. Claim 8 is patentably distinguishable over the applied reference for reasons similar to those advanced above with respect to claim 1 and the rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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MARKED UP VERSION OF CLAIMS:

1.   A method for producing optimum-effect marketing, especially useful for interactive mediums, comprising:

(a) collecting information obtained from potential consumers based on individual emotional orientation selected from the following orientations: survival type, growth type, relaxation type, and a combination thereof [for;]

(b) generating a computerized database containing personal character profiles of [the] said potential consumers;

([b]c) analyzing and sorting said character profiles in said computerized database into at least three clusters, wherein each cluster corresponds to a subset of character profiles showing a predominant tendency towards one of [the following] said individual emotional orientations[: survival, growth, and relaxation, or combination thereof];

([c]d) producing a series of [advertisements] marketing campaigns for a specific product or service, wherein each [advertisement] campaign contains unique features [so as] directed to [be adapted for] a specific one of said clusters;

([d]e) determining and presenting the appropriate [advertisement] campaign directed to the cluster corresponding to the character profile of [from] said [series of advertisements to a] potential consumer [in the corresponding cluster].

4.   A method according to claim 2, wherein the questionnaire is presented to a potential customer through [Internet service, telephone, interactive television, point-of-sale, or any other appropriate] an interactive medium.

6.   A method according to claim 1, wherein the [advertisement] campaign is presented to the potential consumer by [electronic mail, direct mail, telephone, interactive television, at a point-of-sale, or any other appropriate] an interactive medium.

8.   A method for conducting a matching service between at least two people, especially useful for dating services, employment agencies, and "chat rooms", comprising:

(a) collecting information obtained from users <u>based on individual emotional orientation selected from the following orientations: survival type, growth type, relaxation type, and a combination thereof;</u> [for]

<u>(b)</u> generating a computerized database containing personal character profiles of [the] <u>said</u> users;

([b]<u>c</u>) analyzing and sorting said character profiles <u>in said computerized database</u> into at least three clusters, wherein each cluster corresponds to a subset of character profiles showing a predominant tendency towards one of [the following] <u>said</u> individual <u>emotional</u> orientations[: survival, growth, and relaxation, or a combination thereof];

([c]<u>d</u>) matching users according to the cluster of character profiles to which they <u>users</u> are categorized.